

Membership Balance Plan
Vietnam War Commemoration Advisory Committee

Agency: Department of Defense (DoD)

1. **Authority:** The Secretary of Defense, pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(d) (agency authority), established the Vietnam War Commemoration Advisory Committee (hereinafter referred to as the “Committee”).
2. **Mission/Function:** The Committee, under the provisions of FACA, shall provide the Secretary of Defense, through the Director of Administration and Management (DA&M), independent advice and recommendations regarding major events and priority of efforts during the commemorative program for the 50th Anniversary of the Vietnam War, as referenced in section 598 (c) of Public Law 110-181 (hereinafter referred to as “the Commemorative Program”), in order to achieve the objectives for the Commemorative Program, specified in section 598 (c) of Public Law 110-181. Specifically, the Committee shall strive to:
 - a. Thank and honor veterans of the Vietnam War, including personnel who were held as prisoners of war or listed as missing in action, for their service and sacrifice, on behalf of the United States, and to thank and honor the families of these veterans;
 - b. Highlight the service of the Armed Forces during the Vietnam War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces;
 - c. Pay tribute to the contributions made on the home front by the people of the United States during the Vietnam War;
 - d. Highlight the advances in technology, science, and medicine related to military research conducted during the Vietnam War; and
 - e. Recognize the contributions and sacrifices made by the allies of the United States during the Vietnam War.
3. **Points of View:** The Committee shall be composed of not more than 20 members, who represent Vietnam Veterans, their families, and the American public. Candidates for the Committee will be selected from the Military Services (both retired veterans and active members who served during the Vietnam era), the Department of Defense, the Department of State, the Department of Veterans Affairs, and the Intelligence Community. In addition, candidates from nongovernmental organizations that support veterans or that contribute to the public’s understanding of the Vietnam War will be selected.

The DoD, in selecting potential candidates for the Committee, reviews the experience and professional credentials of individuals and bases its selections on this review and the subject matters being handled by the Committee. The Department has found that viewing complex issues through a multi-discipline advisory committee provides the Department and, more importantly, the American public with a broader understanding on which to base subsequent policy decisions.

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Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Committee, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Committee members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employees.

The Committee's membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Committee. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. Other Balance Factors: N/A

5. Candidate Identification Process: The Department, in selecting potential candidates for this Committee, reviews the experience and professional credentials of individuals who represent Vietnam Veterans, their families, and the American public. Candidates for the Committee will be selected from the Military Services (both retired veterans and active members who served during the Vietnam era), the Department of Defense, the Department of State, the Department of Veterans Affairs, and the Intelligence Community. In addition, candidates from nongovernmental organizations that support veterans or that contribute to the public's understanding of the Vietnam War will be selected.

Once potential candidates are identified, the Designated Federal Officer (DFO), in consultation with the Committee's staff, reviews the credentials of each individual, narrows the list of potential candidates, and forwards the list to the DA&M. During the DA&M's review, he or she strives to achieve a balance between the professional credentials of the individual candidates and the anticipated subject matters that will be reviewed by the Committee to achieve expertise in points of view regarding anticipated topics.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Committee's charter and membership balance plan. Following this review, the DA&M formally nominates the potential candidates to the Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the DoD.

Following approval by the Secretary or Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The Secretary of Defense may approve the appointment of Committee members for a three-year term of service with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service.

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In addition, the Secretary of Defense, through the DA&M, may appoint additional experts and consultants to provide advice to the Committee as subject matter experts. These subject matter experts may be regular government officers/employees or individuals appointed under the authority of 5 U.S.C. § 3109; however, subject matter experts shall not participate in the Committee's deliberations and shall not have Committee voting rights.

Committee and subcommittee member vacancies will be filled in the same manner as described in the previous six paragraphs above.

- 6. Subcommittee Balance:** The Department, when necessary, and consistent with the Committee's mission and DoD policies/procedures, may establish Subcommittees, task groups, or working groups to support the Committee. Establishment of Subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Committee's sponsor.

The Secretary or the Deputy Secretary of Defense shall approve the appointment of Subcommittee members in the same manner as Committee appointments are made; that is, the Secretary of Defense shall appoint Subcommittee members for a three-year term of service, with annual renewals, even if the member in question is already a Committee member. Subcommittee members may serve no more than two consecutive terms of service unless authorized by the Secretary of Defense. These individuals may come from the parent committee or may be new nominees, as recommended by the Committee's sponsor and based upon the subject matters under consideration.

As required by the Committee's charter, these Subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

- 7. Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.
- 8. Date Prepared: January 14, 2013**